

EM SSAB CHAIRS
Bi-Monthly Conference Call

Thursday, July 9, 2009
3:00 p.m. – 4:30 p.m.

Participants

Chairs/Representatives:

Idaho	R.D. Maynard, Bob Pence
Nevada	Robert Gatliff, Harold Sullivan, Kelly Snyder, Denise Rupp
NNM	J.D. Campbell, Ralph Phelps, Jeff Casalina
Oak Ridge	Ted Lundy, Dave Adler, Spencer Gross, Pete Osborne
Paducah	Bobby Ann Lee, Judy Clayton, Buz Smith, Eric Roberts
Portsmouth	Richard Snyder, David Kozlowski, Greg Simonton, Julie Galloway
Richland/Hanford	Susan Leckband, Shelley Cimon, Lori Gamache
Savannah River	Manuel Bettencourt, Gerri Flemming, Mindy Mets

DOE representatives:

EM-13	Melissa Nielson, Cate Brennan, Michelle Hudson
EM-2.1	John Mocknick, Kristine Cornils
EM-12	Doug Tonkay, Gene Chou
EM-31	Connie Flohr
CI	Katina Tsongas

Opening Remarks

Cate Brennan welcomed participants to the call and reviewed the afternoon's agenda.

American Recovery and Reinvestment Act Update

John Mocknick from the Environmental Management (EM) Recovery Act Program Office provided participants with an update on the American Recovery and Reinvestment Act (ARRA) activities.

The EM ARRA work scope includes soil and groundwater remediation, radioactive solid waste disposition, and facility decontamination and decommissioning (D&D). Projects were nominated by the sites and prioritized in consultation with EM Headquarters (HQ) based on their ability to create jobs as quickly as possible, provide a significant return on investment, reduce EM's overall lifecycle costs, and contribute to the program's goal of footprint reduction. Use of the ARRA funds will help EM fulfill its commitment of achieving a 40% reduction in the complex's footprint by Fiscal Year (FY) 2011 and 80-90% by FY 2015, thereby reducing "hotel costs" such as surveillance, maintenance, security, and utilities expenses. The ARRA funding will also accelerate the completion of approximately 70 regulatory compliance milestones.

The \$6 billion EM received in ARRA funding must be spent before the end of FY 2011. To date, approximately \$3.8 billion has been obligated to contracts at the sites with hundreds of millions already spent. Furthermore, more than 3,700 jobs have been created and/or saved throughout the complex; through outreach and job fairs, the sites have collected nearly 47,000 applications.

Further defining the ARRA contracts in terms of scope, cost, schedules, and available resources remains EM's biggest challenge in implementing the stimulus projects. Teams from EM-HQ will visit the sites to verify the contractors' proposals with the assistance of the Defense Contractor Auditing Agency. EM hopes to complete this process by September 30, 2009, along with any contractor negotiations over incentives and fees. Additional oversight for the proposal review process is provided by the DOE Inspector General (IG) and the Office of Engineering and Construction Management.

Safety continues to be a top priority for the ARRA projects along with the need to maintain strict project management discipline. Funding is released to the contractors in phases based on the performance of their projects; this practice integrates the concepts of project, contract, and funds management, and helps EM ensure that the projects stay on schedule and within cost. Reviews to track and monitor project performance are conducted both on-site by teams of EM-HQ representatives and during regular HQ project reviews. External oversight is provided by the IG and the Government Accountability Office.

J.D. Campbell asked for a status update on the delay in obligating ARRA funds to Los Alamos National Laboratory (LANL).

Mr. Mocknick explained that the delay was attributable to issues with regulatory compliance milestones. He expects the issue to be resolved shortly as the milestones will be verified and presented to HQ and the Office of Management and Budget (OMB) within the next few weeks.

Further information on EM's ARRA projects and employment opportunities can be obtained by visiting www.em.doe.gov/emrecovery or contacting the Recovery Act Program Office at emrecovery@em.doe.gov or 202-586-2083. A separate webpage for specific ARRA project and site performance metrics is under development.

General information regarding DOE's Recovery Act progress can be obtained by visiting <http://RecoveryClearinghouse.energy.gov> or contacting the DOE Recovery Act Clearinghouse at RecoveryClearinghouse@hq.doe.gov or 1-888-DOE-RCVY.

Budget Update

Connie Flohr, Acting Director for the Office of Budget, provided participants with an update on the FY 2010 and FY 2011 budget requests.

EM is currently working through the Departmental FY 2011 budget process, which involves establishing an integrated priority list and submitting various other deliverables to

the DOE Chief Financial Officer. Pending Secretarial decision, which is expected the week of August 10, EM plans to officially submit its budget to OMB in mid-September.

The FY 2010 budget has been marked by the House and Senate, and conferees are being selected. Preliminary reports from Capital Hill indicate that the House Committee will propose cutting \$155 million from EM's program direction funding. If approved, the budget cut will likely result in the layoff of approximately 800 federal and 150 contractor employees. Reports from the Senate Committee on the other hand, indicate that there may be a plus-up to the EM budget of \$268 million. Additional news from Capitol Hill suggests that there is a belief that cutting EM's base program budget is acceptable given the \$6 billion the program recently received in stimulus funding. Senior EM management has responded by briefing members of Congress and countering that position on record. Despite the ARRA funding, the base program funds are needed in their entirety.

Ms. Flohr noted that her office is also working closely with the EM Recovery Act Program Office to ensure that the base program and ARRA funds and work scope are clearly delineated to avoid any duplicative information in EM's budget requests. She also explained that the ARRA funds must be obligated by the end of FY 2010 and costed by the end of FY 2011. Therefore, in conjunction with its planning for the FY 2012 budget, EM will begin analyzing the impacts that discontinuation of the stimulus funding will have on the program's workforce and compliance posture. With the completion of ARRA projects, EM's skill mix and workers will need to be adjusted and realigned accordingly.

Waste Disposition Strategies Update

Doug Tonkay and Gene Chou from the Office of Disposal Operations (EM-12) provided an update on EM's waste disposition activities.

EM-12 is currently working to develop comprehensive forecasts for the waste generated by the acceleration of ARRA projects. High demand for low-level waste (LLW) disposal services from the Nevada Test Site (NTS), Energy Solutions Clive Facility, and other onsite facilities is expected. The disposal projections will begin to fall into place as the sites continue to detail their ARRA work scope. In the meantime, EM's LLW Corporate Board has met to discuss snapshot inputs from a few of the sites. Site generators are also preparing for the annual updated waste forecasts, which are due to NTS on July 27.

The Energy Facility Contractors Group (EFCOG) will host a workshop in early September to discuss complex-wide forecast assessments and disposal needs. This workshop will bring generators and vendors together to help ensure that all actors have a common understanding of waste treatment and disposal needs. The workshop will be held in conjunction with the Exchange Monitor's Third Annual Rad Waste Summit. Mr. Tonkay encouraged interested EM SSAB members to attend the Rad Waste Summit and noted that information is available online at <http://www.radwastesummit.com/>.

EM continues to progress toward the FY 2009 closure of the Toxic Substances Control Act (TSCA) Incinerator in Oak Ridge. All of the waste destined for the TSCA Incinerator has been shipped to Oak Ridge and will be treated by the end of the year. Since its start-up in 1991, 35 million pounds of polychlorinated biphenyl (PCB) waste have been treated in the

incinerator. Alternative treatment options are panning out for additional waste streams; most notably, commercial companies like the Permafix facility in Tennessee will assume these responsibilities.

EM continues to pursue a complex-wide LLW and mixed low-level waste (MLLW) treatment contract and will issue a Request for Proposal (RFP) within the coming months. Comments received on the earlier draft RFP have been incorporated, and the document is currently in the business clearance process. EM is also exploring the possibility of replacing some of its expired MLLW contracts with national procurement contracts.

Waste disposal activities at NTS are progressing nicely following the land withdrawal process and discussions with site management and the State of Nevada. A Notice of Intent for the new site-wide NTS Environmental Impact Statement (EIS) will likely be published by the end of the month; the document is currently with the Office of General Counsel for review. NTS is also planning to submit a permit application for a new MLLW disposal cell before the end of the year. This cell will serve as a replacement facility for NTS Pit 3, which is scheduled for closure in December 2010.

EM has partnered with Waste Control Specialists, LLC (WCS) to complete the disposal of materials from Fernald Silos 1 and 2. WCS is constructing a new disposal facility with operations expected to begin as early as August 17. EM's agreement with WCS does not require disposal operations to begin until late October; therefore, the program is currently a couple months ahead of this regulatory commitment. EM has also continued to engage in discussions with WCS regarding the construction of a separate federal LLW and MLLW disposal facility. WCS is in the process of finalizing their license for this facility with the State of Texas.

Efforts to finalize the National Environmental Policy Act (NEPA) analysis for the disposal of depleted uranium hexafluoride (DUF-6) conversion products from the Portsmouth and Paducah Gaseous Diffusion Plants is underway, with a Supplemental Analysis likely to be published in late July. Two of the locations under consideration for the NEPA analysis are NTS and the Energy Solutions Clive Facility. EM is also monitoring the Nuclear Regulatory Commission's (NRC) plans to develop guidance for the disposal of large volume uranium waste. NRC will conduct public workshops on this issue in Washington D.C. on September 2-3 and in Salt Lake City, Utah on September 23-24.

Steady progress has been made on shipments of transuranic (TRU) waste to the Waste Isolation Pilot Plant (WIPP). ARRA funds are being used to ready certified TRU waste for shipment and completing TRU waste activities at many of the smaller sites. LANL recently completed its remote-handled (RH) TRU waste shipping campaign of 16 canisters to WIPP. Additionally, Savannah River Site (SRS) has continued to ship legacy RH-TRU waste stored onsite from the Battelle Columbus Project; NTS has completed intersite TRU waste shipments to the Idaho National Laboratory (INL); and Argonne National Laboratory is scheduled to resume RH TRU waste shipments within the next few weeks.

EM-12 staff has continued to work on the development of a Greater-Than-Class-C (GTCC) EIS and hopes to publish a draft for distribution and comment by the end of December 2009. In support of this goal, EM has circulated the document for internal

review and conducted three workshops with Tribal communities in order to develop draft language and integrate their perspectives into the EIS. EM will also seek Congressional input on the formulation of the preferred alternatives detailed in the EIS.

Lastly, with regard to nickel disposition at Oak Ridge and Paducah, Dr. Chou reported that EM is in the midst of internal discussions with DOE senior management, and a draft RFP for a sales agreement is under review. Should DOE approve the issuance of the draft RFP, the document will be made available to industry and the public for comment and will detail the ways in which DOE can sell nickel for radiologically controlled applications. [Update: the draft RFP for the nickel sales agreement was issued on July 21, 2009, and is available for review at <http://www.emcbc.doe.gov/nickel>. Industry and public comments are due by September 15, 2009.]

Congressional Update

Katina Tsongas, a special assistant in the Office of Congressional and Intergovernmental Affairs (CI), reported that the House of Representatives recently passed the Waxman-Markey Energy Bill by a margin of one vote. The proposal is still under review in the Senate, but Senator Barbara Boxer has announced that her committee aims to introduce the bill to the floor for a vote in September. Secretary Chu testified in front of the Senate in support of the bill on July 7, 2009. Comprehensive energy legislation is a major priority for the current administration. CI has been very busy with a focus on this endeavor, along with the ARRA and Departmental budget processes.

With regard to appropriations, Ms. Tsongas noted that neither the House nor Senate Committee mark-ups have made it to the floor for a vote.

Discussion of EM SSAB Chairs Metals Reclamation Recommendation

Ted Lundy noted that the Oak Ridge SSAB (ORSSAB) Chair, Steve Dixon, sent a letter to the Chairs on July 6, 2009, explaining the crux of his board's objection to the current language in the draft metals reclamation recommendation. The ORSSAB is reluctant to approve the current draft because it does not include reference to a specific driver or incentive for contractors to reuse metals, thereby providing contractors with little motivation to practice recycling and reclamation.

Manuel Bettencourt and Susan Leckband noted that the current language recommends that EM maximize its recycling efforts, but does not discuss specific mechanisms (i.e. contractor incentives). They suggested that perhaps the subject of the ORSSAB's objection is a site-specific issue and should be addressed in a letter or recommendation to the board's local site management.

Richard Snyder noted that the Portsmouth board had not approved the recommendation either. The draft recommendation is still with the board's Waste Disposition Committee for review, and some members have expressed strong concerns. The full board will not be able to vote on the letter until its August 6, 2009, meeting.

Ms. Brennan explained that, should the recommendation be revised to address the ORSSAB and Portsmouth EM SSAB's concerns, an amended draft would need to be circulated amongst the other boards and voted on again. In order to avoid further delay, the Chairs decided to submit the recommendation as written with only the approving Chairs' signatures.

Ms. Brennan called for a final vote on the recommendation. Mr. Bettencourt, Dr. Campbell, Ms. Leckband, Bobby Ann Lee, R.D. Maynard, and Robert Gatliff approved the recommendation on behalf of their boards. Mr. Lundy and Mr. Snyder abstained due to the fact that the ORSSAB and Portsmouth EM SSAB had not approved the recommendation.

September 22-24, 2009 EM SSAB Chairs Meeting

Ms. Brennan called for comments on the draft EM SSAB Chairs meeting agenda.

Ms. Lee suggested adding a discussion on the topic of how the local boards interface with the public.

Mr. Maynard and Dr. Campbell suggested adding a discussion regarding the approval process for Chairs meeting products and recommendations.

Ms. Brennan suggest that the Chairs begin researching or drafting potential products for the fall meeting and asked if any of the Chairs had letters or recommendations already under development.

Judy Clayton noted that she is working on a proposal regarding the inclusion of options in five-year contracts that would allow the contracts to be re-awarded without going through the bidding process.

Ms. Leckband noted that she has started drafting a recommendation on the siting of an EM high-level waste (HLW) repository. However, this product is still in the early planning stages and will likely not take shape until the spring 2010 meeting. In the meantime, Ms. Leckband suggested that the Chairs use the upcoming fall meeting to explore this issue and discuss the possibility of constructing an EM HLW repository separate from that needed for national fuel rod disposal.

Bob Pence thanked the planning committee for their time and efforts. He noted that the draft agenda addresses a number of important topics and that he is pleased with the progress to date.

Around the Complex:

Portsmouth – Richard Snyder

- DOE released a RFP for the D&D of the Portsmouth Gaseous Diffusion Plant in June for a 60-day review period. The RFP includes information regarding new schedules and calls for contractor community involvement, two issues that were previously the

subject of Portsmouth EM SSAB recommendations. The board members are pleased that DOE listened to their advice and responded accordingly.

- The Portsmouth EM SSAB is looking to either hold or participate in a number of upcoming workshops to educate both the board members and general public. Issues to be addressed in these workshops include historical preservation and environmental sampling and monitoring.
- The Portsmouth EM SSAB's D&D Committee recently hosted a very successful workshop and question/answer session with the Fernald community, former Fernald Citizens Advisory Board (CAB) members, DOE, and the Ohio Environmental Protection Agency. Over 60 people were in attendance.

Paducah – Bobby Ann Lee

- The Paducah EM SSAB is pleased with the progress made to date on the site's major trichloroethylene (TCE) contamination areas, and specifically the installation of an underground treatment system.
- The Paducah EM SSAB has dedicated a large portion of its time to the organization and development of functioning subcommittees. The subcommittees are operating nicely following their two recent meetings.
- The Paducah EM SSAB recently passed two recommendations regarding contractor delays and scenario planning for future land use at the site. Its partnership with the University of Kentucky on future land use issues is also progressing nicely.

Oak Ridge – Ted Lundy

- The ORSSAB recently passed two recommendations. The first pertains to the expansion of the Oak Ridge CERCLA Waste Facility and the sorting and segregation of wastes destined for disposal at that facility. The second asks DOE management to provide the board with non-sensitive information from its Quarterly Project Reviews of major Oak Ridge EM projects.
- The ORSSAB recently welcomed one new board member and two new, non-voting student representatives.
- The ORSSAB will meet for its annual retreat on August 29 and work to develop an overall work plan for FY 2010.
- The ORSSAB is planning a stewardship workshop and will hold a stewardship refresher course for its members prior to the workshop.
- The summer edition of the ORSSAB's *Advocate* newsletter was published and is available online at <http://www.oakridge.doe.gov/em/ssab/Publications/Advocates/Advocate-July2009.pdf>.

Northern New Mexico – J. D. Campbell

- The Northern New Mexico CAB's (NNMCAB) current work is focused primarily on the topics of surplus material reuse and ongoing community outreach and development activities, particularly as they relate to sharing progress on ARRA projects and promoting transparency.
- Additionally, the NNMCAB is interested in the local employment opportunities created by the ARRA and will make recommendations regarding that aspect of the stimulus work, as appropriate. Members are concerned that the majority of the jobs created by

the ARRA projects will be technical in nature and will likely draw people from around the country, rather than provide training and employment for local citizens.

- The NNM CAB would like to use the TA-21 excavation and closure project as an example of successful environmental cleanup and an educational tool for the general public and local students.

Richland – Susan Leckband

- The Hanford Advisory Board (HAB) was instrumental in the successful DOE-sponsored Technology Workshop that featured presenters from both EM and the Office of Science.
- A public workshop to discuss the FY 2011 budget is scheduled for July 22.
- In June, the HAB approved advice on the FY 2010 budget and stimulus priorities along with advice on Hanford's largest environmental disposal facility and the cumulative effects of its contents.
- The HAB plans to review the tank closure and waste management EIS for the Hanford site. However, this process continues to be delayed as a result of the Yucca Mountain non-designation issue.
- The HAB will hold its next full board meeting in September. Issues likely to be addressed during that meeting and in the coming year include strategies for footprint reduction at Hanford, the Central Plateau Record of Decision, and a re-emphasis of institutional controls and long-term stewardship. These issues are particularly important since the Hanford site will be reduced to 20% of its original size by 2015.
- Additionally, HAB committee meetings are scheduled for July and August.

Idaho – R.D. Maynard

- The next INL CAB meeting is scheduled for July 14. Members will discuss replacing two vacancies on the board during this meeting.
- The INL CAB is preparing for the fall EM SSAB Chairs meeting on September 23-24. A tour of the INL site is planned for September 22.
- The INL CAB recently submitted two recommendations to DOE regarding the FY 2011 budget and the Engineering Evaluation/Cost Analysis on the remediation of a contaminated disposal pond that is taking place under the ARRA. The CAB will continue to work closely with Federal Coordinator Bob Pence and Deputy Designated Federal Officer Rick Provencher to expedite recommendations that pertain to the ARRA projects and employment.

Nevada – Robert Gatliff and Harold Sullivan

- The drilling of the NTS CAB-sited Underground Test Area (UGTA) characterization well is complete; 19 CAB members had the opportunity to learn about the support operations and observe the drilling process.
 - The NTS CAB's UGTA Committee will continue to follow the progress of the well drilling and groundwater studies, which were implemented in order to provide hard evidence for water migration and validate the site's computer models.
- The NTS CAB's Outreach Committee is working to improve the NTS *Operation Clean Desert* program and is progressing through the first stages of organizing an EM Science Fair for rural schools located near the site.

Closing Remarks

Ms. Brennan thanked the participants for their time.

The EM SSAB Landfill Briefing is scheduled for Thursday, July 23, 2009, at 1:00 p.m. EDT.

The next EM SSAB Chairs Meeting planning committee conference calls are scheduled for July 20 and August 4, 2009, at 12:00 pm.

The EM SSAB Chairs Meeting and site tour will be held September 22-24, 2009, in Idaho Falls, Idaho.